

1           \***-0955/10.8\* SECTION 1729.** 85.013 (2) (a) of the statutes is amended to read:

2           85.013 (2) (a) The secretary shall designate employees of the department as  
3 hearing examiners to preside over all hearings arising under ch. 344.

4           \***-1219/2.12\* SECTION 1730.** 85.015 of the statutes is amended to read:

5           **85.015 Transportation assistance contracts.** All contracts entered into  
6 under this chapter to provide financial assistance in the areas of railroads, urban  
7 mass transit, specialized transportation, and harbors are subject to ss. 16.528 and,  
8 16.752, 16.771, and 16.871 but are exempt from ss. 16.70 to 16.75, 16.755 to 6.77,  
9 16.78 to 16.82 and, 16.85 to 16.87, and 16.875 to 16.89.

10          \***-1560/3.21\* SECTION 1731.** 85.037 of the statutes is repealed.

11          \***-0122/1.1\* SECTION 1732.** 85.061 (3) (a) 1. of the statutes is amended to read:

12          85.061 (3) (a) 1. Capital costs related to Amtrak service extension routes or  
13 other rail service routes between the cities of Milwaukee and Madison and, between  
14 the cities of Milwaukee and Green Bay, between the cities of Milwaukee and Chicago,  
15 and between the cities of Madison and La Crosse. Any route between the cities of  
16 Milwaukee and Green Bay funded under the program shall provide service to  
17 population centers along the route in a manner that makes the route most  
18 economically feasible.

19          \***-0299/2.4\* SECTION 1733.** 85.103 (6) of the statutes is amended to read:

20          85.103 (6) The department may disclose the personal identifier of any person  
21 who has made a designation under sub. (2) or (3) if the department discloses the  
22 personal identifier under s. 341.17 (9), 342.06, 343.027, 343.14, 343.234, 343.235,  
23 343.24 (3) and (4), or 343.245 (3m).

24          \***-1083/2.1\* SECTION 1734.** 85.20 (4m) (a) 6. cm. of the statutes is amended to  
25 read:

1           85.20 (4m) (a) 6. cm. ~~For aid payable for calendar year 2002, from the~~  
2 ~~appropriation under s. 20.395 (1) (ht), the department shall pay \$55,697,800 to the~~  
3 ~~eligible applicant that pays the local contribution required under par. (b) 1. for an~~  
4 ~~urban mass transit system that has annual operating expenses in excess of~~  
5 ~~\$80,000,000. For aid payable for calendar year 2003 and for each calendar year~~  
6 ~~thereafter years 2004 and 2005, from the appropriation under s. 20.395 (1) (ht), the~~  
7 ~~department shall pay \$56,811,800 to the eligible applicant that pays the local~~  
8 ~~contribution required under par. (b) 1. for an urban mass transit system that has~~  
9 ~~annual operating expenses in excess of \$80,000,000. From the appropriation under~~  
10 ~~s. 20.395 (1) (ht), the department shall pay \$57,948,000 for aid payable for calendar~~  
11 ~~year 2006, and \$59,107,000 for aid payable for calendar year 2007 and thereafter, to~~  
12 ~~the eligible applicant that pays the local contribution required under par. (b) 1. for~~  
13 ~~an urban mass transit system that has annual operating expenses in excess of~~  
14 ~~\$80,000,000.~~ If the eligible applicant that receives aid under this subd. 6. cm. is  
15 served by more than one urban mass transit system, the eligible applicant may  
16 allocate the aid between the urban mass transit systems in any manner the eligible  
17 applicant considers desirable.

18           \*-1083/2.2\* SECTION 1735. 85.20 (4m) (a) 6. d. of the statutes is amended to  
19 read:

20           85.20 (4m) (a) 6. d. ~~For aid payable for calendar year 2002, from the~~  
21 ~~appropriation under s. 20.395 (1) (hu), the department shall pay \$14,869,500 to the~~  
22 ~~eligible applicant that pays the local contribution required under par. (b) 1. for an~~  
23 ~~urban mass transit system that has annual operating expenses in excess of~~  
24 ~~\$20,000,000 but less than \$80,000,000. For aid payable for calendar year 2003 and~~  
25 ~~for each calendar year thereafter years 2004 and 2005, from the appropriation under~~

1 s. 20.395 (1) (hu), the department shall pay \$15,166,900 to the eligible applicant that  
2 pays the local contribution required under par. (b) 1. for an urban mass transit  
3 system that has annual operating expenses in excess of \$20,000,000 but less than  
4 \$80,000,000. From the appropriation under s. 20.395 (1) (hu), the department shall  
5 pay \$15,470,200 for aid payable for calendar year 2006, and \$15,779,600 for aid  
6 payable for calendar year 2007 and thereafter, to the eligible applicant that pays the  
7 local contribution required under par. (b) 1. for an urban mass transit system that  
8 has annual operating expenses in excess of \$20,000,000 but less than \$80,000,000.  
9 If the eligible applicant that receives aid under this subd. 6. d. is served by more than  
10 one urban mass transit system, the eligible applicant may allocate the aid between  
11 the urban mass transit systems in any manner the eligible applicant considers  
12 desirable.

13 **\*-1083/2.3\* SECTION 1736.** 85.20 (4m) (a) 7. b. of the statutes is amended to  
14 read:

15 85.20 (4m) (a) 7. b. For the purpose of making allocations under subd. 7. a., the  
16 amounts for aids are ~~\$20,596,400 in calendar year 2002, \$21,008,300 in calendar~~  
17 ~~year 2003, and \$21,757,600 in calendar year 2004 and in each calendar year~~  
18 thereafter years 2004 and 2005, \$22,192,800 in calendar year 2006, and \$22,636,700  
19 in calendar year 2007 and thereafter. These amounts, to the extent practicable, shall  
20 be used to determine the uniform percentage in the particular calendar year.

21 **\*-1083/2.4\* SECTION 1737.** 85.20 (4m) (a) 8. b. of the statutes is amended to  
22 read:

23 85.20 (4m) (a) 8. b. For the purpose of making allocations under subd. 8. a., the  
24 amounts for aids are ~~\$5,563,100 in calendar year 2002, \$5,674,400 in calendar year~~  
25 ~~2003, and \$4,925,100 in calendar year 2004 and in each calendar year thereafter~~

1 years 2004 and 2005, \$5,023,600 in calendar year 2006, and \$5,124,100 in calendar  
2 year 2007 and thereafter. These amounts, to the extent practicable, shall be used to  
3 determine the uniform percentage in the particular calendar year.

4 **\*-0303/4.207\* SECTION 1738.** 86.195 (3) (b) 3. of the statutes is amended to  
5 read:

6 86.195 (3) (b) 3. Fifty percent of the gross receipts of the business are from meal,  
7 food, the sale of food product and beverage sales and food ingredients, as defined in  
8 s. 77.51 (3t), that are taxable under s. 77.54 (20) (e) subch. III of ch. 77; and

9 **\*-1082/2.1\* SECTION 1739.** 86.30 (2) (a) 3. of the statutes is amended to read:

10 86.30 (2) (a) 3. For each mile of road or street under the jurisdiction of a  
11 municipality as determined under s. 86.302, the mileage aid payment shall be \$1,755  
12 in calendar year 2002, and \$1,825 in calendar year 2003 years 2004 and 2005, \$1,862  
13 in calendar year 2006, and \$1,899 in calendar year 2007 and thereafter.

14 **\*-1082/2.2\* SECTION 1740.** 86.30 (9) (b) of the statutes is amended to read:

15 86.30 (9) (b) For the purpose of calculating and distributing aids under sub. (2),  
16 the amounts for aids to counties are \$86,581,300 in calendar year 2002, and  
17 \$90,044,600 in calendar year 2003 years 2004 and 2005, \$91,845,500 in calendar  
18 year 2006, and \$93,682,400 in calendar year 2007 and thereafter. These amounts,  
19 to the extent practicable, shall be used to determine the statewide county average  
20 cost-sharing percentage in the particular calendar year.

21 **\*-1082/2.3\* SECTION 1741.** 86.30 (9) (c) of the statutes is amended to read:

22 86.30 (9) (c) For the purpose of calculating and distributing aids under sub. (2),  
23 the amounts for aids to municipalities are \$272,395,300 in calendar year 2002, and  
24 \$283,291,100 in calendar year 2003 years 2004 and 2005, \$286,124,000 in calendar  
25 year 2006, and \$297,736,000 in calendar year 2007 and thereafter. These amounts,

1 to the extent practicable, shall be used to determine the statewide municipal average  
2 cost-sharing percentage in the particular calendar year.

3 **\*-0984/4.19\* SECTION 1742.** 92.10 (4) (a) of the statutes is repealed and  
4 recreated to read:

5 92.10 (4) (a) *Data.* The department shall develop a systematic method of  
6 collecting and organizing data related to soil erosion. The department shall  
7 cooperate with the department of administration under s. 16.967 in developing this  
8 methodology or any related activities related to land information collection.

9 **\*-0495/1.2\* SECTION 1743.** 93.06 (1qm) of the statutes is created to read:

10 93.06 (1qm) LOANS FOR RURAL DEVELOPMENT. Make loans, and charge interest  
11 and origination fees and take security for those loans, as required to receive federal  
12 funding for the development of rural business enterprises or for rural economic  
13 development.

14 **\*-1243/P3.8\* SECTION 1744.** 93.07 (1) of the statutes is amended to read:

15 93.07 (1) REGULATIONS. To make and enforce such regulations, not inconsistent  
16 with law, as it may deem necessary for the exercise and discharge of all of the powers  
17 and duties of the department, and to adopt such measures and make such  
18 regulations as are necessary and proper for the ~~enforcement by the state of~~  
19 department to carry out its powers and duties under chs. 93 to 100, ~~which regulations~~  
20 ~~shall have the force of law.~~

21 **\*-1243/P3.9\* SECTION 1745.** 93.07 (23) of the statutes is created to read:

22 93.07 (23) CONSUMER PROTECTION ADMINISTRATION. To administer ss. 100.01 to  
23 100.14, 100.183 to 100.19, 100.201, 100.202, 100.206, 100.21 to 100.24, 100.265,  
24 100.27, 100.285 to 100.30, 100.33 to 100.36, 100.45, 100.47, 100.48, and 100.51.

25 **\*-1243/P3.10\* SECTION 1746.** 93.07 (24) of the statutes is amended to read:

1           93.07 (24) ENFORCEMENT OF LAWS. To enforce or assist in the enforcement of chs.  
2   88 and 93 to 99, those laws under ch. 100 administered by the department, and all  
3   other laws entrusted to its administration, and especially:

4           (a) To enforce the laws administered by the department regarding the  
5   production, manufacture and sale, offering or exposing for sale or having in  
6   possession with intent to sell, of any dairy, food or drug product.

7           (b) To enforce the laws administered by the department regarding the  
8   adulteration or misbranding of any articles of food, drink, condiment or drug.

9           (c) To inspect any milk, butter, cheese, lard, syrup, coffee, tea or other article  
10   of food, drink, condiment or drug made or offered for sale within this state which it  
11   may suspect or have reason to believe, under the laws administered by the  
12   department, to be impure, unhealthful, misbranded, adulterated or counterfeit, or  
13   in any way unlawful.

14           (d) To prosecute or cause to be prosecuted, under the laws administered by the  
15   department, any person engaged in the manufacture or sale, offering or exposing for  
16   sale or having in possession with intent to sell, of any adulterated dairy product or  
17   of any adulterated, misbranded, counterfeit, or otherwise unlawful article or articles  
18   of food, drink, condiment or drug.

19           \*-1243/P3.11\* SECTION 1747. 93.18 (3) of the statutes is amended to read:

20           93.18 (3) The department of justice, after acting pursuant to s. 100.37 or 100.41  
21   to 100.43 to order the sale or distribution of any substance, article, furnishing, fabric,  
22   product or related material ceased, shall give written notice of its finding to the  
23   manufacturer, seller or other person responsible for placing the item in the channels  
24   of trade in this state. After such notice no person may sell, remove or otherwise  
25   dispose of such item except as directed by the department of justice. Any person

1 affected by such notice may demand a prompt hearing to determine the validity of  
2 the department's findings of the department of justice. The hearing, if requested,  
3 shall be held as expeditiously as possible but not later than 30 days after notice. A  
4 request for hearing does not operate to stay enforcement of the order during the  
5 pendency of the hearing. The person petitioning for a hearing shall be entitled to the  
6 same rights specified under sub. (2).

7 **\*-1243/P3.12\* SECTION 1748.** 93.18 (7) of the statutes is created to read:

8 93.18 (7) The department of justice shall follow the procedures under subs. (1),  
9 (2), (4), (5), and (6) in enforcing the provisions of ch. 100 that are administered by the  
10 department of justice.

11 **\*-1243/P3.13\* SECTION 1749.** 93.20 (1) of the statutes is amended to read:

12 93.20 (1) DEFINITION. In this section, "action" means an action that is  
13 commenced in court by, or on behalf of, the department of agriculture, trade, and  
14 ~~consumer protection~~ rural resources to enforce chs. 88, 91 to 100 or 126 or an action  
15 that is commenced in court by the department of justice to enforce ch. 100.

16 **\*-1243/P3.14\* SECTION 1750.** 93.22 (1) of the statutes is amended to read:

17 93.22 (1) In cases arising under chs. 88 and 93 to ~~100~~ 99 and ss. 100.206, 100.21,  
18 100.30, and 100.51, the department may be represented by its attorney.

19 **\*-1243/P3.15\* SECTION 1751.** 93.22 (2) of the statutes is amended to read:

20 93.22 (2) The department may, with the approval of the governor, appoint  
21 special counsel to prosecute or assist in the prosecution of any case arising under chs.  
22 88 and 93 to ~~100~~ 99 and ss. 100.206, 100.21, 100.30, and 100.51. The cost of such  
23 special counsel shall be charged to the appropriation for the department.

24 **\*-1247/1.2\* SECTION 1752.** 93.46 (3) of the statutes is created to read:

25 93.46 (3) (a) The department may make grants for any of the following:

1           1. Research and development of technologies, including digesters, for using  
2           agricultural products or agricultural waste as energy sources.

3           2. Encouraging the use of agricultural products or agricultural waste as energy  
4           sources.

5           3. Reducing the generation of agricultural wastes or increasing the beneficial  
6           use of agricultural wastes.

7           4. Encouraging the development of biochemicals from agricultural products.

8           (b) The department may provide the recipient of a grant under this subsection  
9           with not more than \$300,000, of which not more than \$150,000 may be for planning  
10          and not more than \$150,000 may be for implementation.

11          \*-0494/2.1\* SECTION 1753. 95.23 (1m) (b) of the statutes is amended to read:

12          95.23 (1m) (b) The department shall indemnify the owner of an animal that  
13          must be killed in order to conduct testing under par. (a), ~~if funds are available from~~  
14          ~~the appropriation under s. 20.115 (2) (m) or (8) (ks) to pay the indemnity,~~ in an  
15          amount equal to two-thirds of the difference between the net salvage value and the  
16          appraised value of the animal but not more than \$1,500 for one animal, except as  
17          provided in s. 95.31 (3m). The department may pay an indemnity under this  
18          paragraph from the appropriation account under s. 20.115 (2) (b) only if funds  
19          received by the department under s. 20.115 (2) (m) and (8) (ks) for the payment of  
20          indemnities are insufficient to pay the indemnity.

21          \*-0494/2.2\* SECTION 1754. 95.31 (3) of the statutes is amended to read:

22          95.31 (3) In addition to the indemnities for specific animal diseases provided  
23          under ss. 95.25, 95.26 and 95.27 or under special emergency programs and subject  
24          to s. 95.36, the department shall pay indemnities on livestock condemned and  
25          slaughtered or destroyed because of other diseases if the department determines



1 that the condemnation and slaughter or destruction is necessary to protect public  
2 health or the livestock industry. The indemnity under this subsection shall be  
3 two-thirds of the difference between net salvage value and appraised value, but may  
4 not exceed \$1,500 for an animal, except as provided in sub (3m). As used in this  
5 subsection, "livestock" means animals of species raised primarily to produce food for  
6 human consumption, including farm-raised deer.

7       **\*-0494/2.3\* SECTION 1755.** 95.31 (3m) of the statutes is created to read:

8       **95.31 (3m)** If the department condemns an animal because the animal is  
9 suspected to have a transmissible spongiform encephalopathy and the owner  
10 disposes of the carcass as directed by the department, the department shall increase  
11 the amount of the indemnity calculated under sub. (3) or s. 95.23 (1m) (b) by the costs  
12 of the destruction of the animal and of the disposal, transportation, and any  
13 necessary storage of the animal's carcass. An indemnity paid because of the  
14 condemnation of an animal to which this subsection applies may exceed \$1,500.

15       **\*-1246/1.1\* SECTION 1756.** 95.51 (8) of the statutes, as created by 2003  
16 Wisconsin Act 229, is amended to read:

17       **95.51 (8) CONTRACT AGENT.** The department may contract with an agent to  
18 administer the registration program under this section on behalf of the department.  
19 The department may not authorize an agent to release aggregate information under  
20 this section. If the department contracts with an agent under this subsection, the  
21 agent may collect fees from registrants that cover the agent's cost of administering  
22 the registration program.

23       **\*-1243/P3.16\* SECTION 1757.** 100.07 (6) of the statutes is amended to read:

24       **100.07 (6) Action** Upon request of the department of agriculture, trade, and  
25 rural resources, an action to enjoin violation of this section may be commenced and

1 prosecuted by the department of justice in the name of the state in any court having  
2 equity jurisdiction.

3       **\*-1243/P3.17\* SECTION 1758.** 100.171 (7) (b) of the statutes is amended to  
4 read:

5       100.171 (7) (b) Whoever intentionally violates this section is guilty of a Class  
6 I felony. A person intentionally violates this section if the violation occurs after the  
7 department of justice or a district attorney has notified the person by certified mail  
8 that the person is in violation of this section.

9       **\*-1243/P3.18\* SECTION 1759.** 100.171 (8) (intro.) of the statutes is amended  
10 to read:

11       100.171 (8) ENFORCEMENT. (intro.) The department of justice shall investigate  
12 violations of this section. The department of justice or any district attorney may on  
13 behalf of the state:

14       **\*-1243/P3.19\* SECTION 1760.** 100.173 (4) (intro.) of the statutes is amended  
15 to read:

16       100.173 (4) (intro.) The department of justice shall investigate violations of this  
17 section. The department of justice, or any district attorney upon informing the  
18 department of justice, may, on behalf of the state, do any of the following:

19       **\*-1243/P3.20\* SECTION 1761.** 100.173 (4) (a) of the statutes is amended to  
20 read:

21       100.173 (4) (a) Bring an action for temporary or permanent injunctive relief in  
22 any court of competent jurisdiction for any violation of this section. The relief sought  
23 by the department of justice or district attorney may include the payment by a  
24 promoter into an escrow account of an amount estimated to be sufficient to pay for  
25 ticket refunds. The court may, upon entry of final judgment, award restitution when

1 appropriate to any person suffering loss because of violations of this section if proof  
2 of such loss is submitted to the satisfaction of the court.

3 **\*-1243/P3.21\* SECTION 1762.** 100.174 (5) (intro.) of the statutes is amended  
4 to read:

5 100.174 (5) (intro.) The department of justice or any district attorney may on  
6 behalf of the state:

7 **\*-1243/P3.22\* SECTION 1763.** 100.174 (6) of the statutes is amended to read:  
8 100.174 (6) The department of justice shall investigate violations of and  
9 enforce this section.

10 **\*-1243/P3.23\* SECTION 1764.** 100.175 (5) (a) (intro.) of the statutes is amended  
11 to read:

12 100.175 (5) (a) (intro.) No person may collect or by contract require a buyer to  
13 pay more than \$100 for dating services before the buyer receives or has the  
14 opportunity to receive those services unless the person selling dating services  
15 establishes proof of financial responsibility by maintaining any of the following  
16 commitments approved by the department of justice in an amount not less than  
17 \$25,000:

18 **\*-1243/P3.24\* SECTION 1765.** 100.175 (5) (b) of the statutes is amended to  
19 read:

20 100.175 (5) (b) The commitment described in par. (a) shall be established in  
21 favor of or made payable to the state, for the benefit of any buyer who does not receive  
22 a refund under the contractual provision described in sub. (3). The person selling  
23 dating services shall file with the department of justice any agreement, instrument  
24 or other document necessary to enforce the commitment against the person selling  
25 dating services or any relevant 3rd party, or both.

1           **\*-1243/P3.25\* SECTION 1766.** 100.175 (7) (a) (intro.) of the statutes is amended  
2 to read:

3           100.175 (7) (a) (intro.) The department of justice or any district attorney may  
4 on behalf of the state:

5           **\*-1243/P3.26\* SECTION 1767.** 100.175 (7) (b) of the statutes is amended to  
6 read:

7           100.175 (7) (b) The department of justice may bring an action in circuit court  
8 to recover on a financial commitment maintained under sub. (5) against a person  
9 selling dating services or relevant 3rd party, or both, on behalf of any buyer who does  
10 not receive a refund due under the contractual provision described in sub. (3).

11           **\*-1243/P3.27\* SECTION 1768.** 100.177 (1) (bm) of the statutes is created to  
12 read:

13           100.177 (1) (bm) Notwithstanding s. 93.01 (3), “department” means the  
14 department of justice.

15           **\*-1243/P3.28\* SECTION 1769.** 100.178 (1) (b) of the statutes is amended to  
16 read:

17           100.178 (1) (b) Notwithstanding s. 93.01 (3), “department” means the  
18 department of ~~health and family services~~ justice.

19           **\*-1243/P3.29\* SECTION 1770.** 100.18 (11) (a) of the statutes is amended to  
20 read:

21           100.18 (11) (a) The department of ~~agriculture, trade and consumer protection~~  
22 justice shall enforce this section. Actions to enjoin violation of this section or any  
23 regulations thereunder may be commenced and prosecuted by the department of of  
24 justice in the name of the state in any court having equity jurisdiction. This remedy  
25 is not exclusive.

1           \*–1243/P3.30\* SECTION 1771. 100.18 (11) (b) 3. of the statutes is amended to  
2 read:

3           100.18 (11) (b) 3. No action may be commenced under this section more than  
4 3 years after the occurrence of the unlawful act or practice which is the subject of the  
5 action. No injunction may be issued under this section which would conflict with  
6 general or special orders of the department of justice or any statute, rule or  
7 regulation of the United States or of this state.

8           \*–1243/P3.31\* SECTION 1772. 100.18 (11) (c) 1. of the statutes is amended to  
9 read:

10          100.18 (11) (c) 1. Whenever the department of justice has reason to believe that  
11 a person is in possession, custody, or control of any information or documentary  
12 material relevant to the enforcement of this section it may require that person to  
13 submit a statement or report, under oath or otherwise, as to the facts and  
14 circumstances concerning any activity in the course of trade or commerce; examine  
15 under oath that person with respect to any activity in the course of trade or  
16 commerce; and execute in writing and cause to be served upon such person a civil  
17 investigative demand requiring the person to produce any relevant documentary  
18 material for inspection and copying.

19          \*–1243/P3.32\* SECTION 1773. 100.18 (11) (c) 2. of the statutes is amended to  
20 read:

21          100.18 (11) (c) 2. The department of justice, in exercising powers under this  
22 subsection, may issue subpoenas, administer oaths, and conduct hearings to aid in  
23 any investigation.

24          \*–1243/P3.33\* SECTION 1774. 100.18 (11) (c) 3. of the statutes is amended to  
25 read:

100.18 (11) (c) 3. Service of any notice by the department of justice requiring a person to file a statement or report, or service of a subpoena upon a person, or service of a civil investigative demand shall be made in compliance with the rules of civil procedure of this state.

**\*-1243/P3.34\* SECTION 1775.** 100.18 (11) (c) 4. of the statutes is amended to read:

100.18 (11) (c) 4. If a person fails to file any statement or report, or fails to comply with any civil investigative demand, or fails to obey any subpoena issued by the department of justice, such person may be coerced as provided in s. 885.12, except that no person shall be required to furnish any testimony or evidence under this subsection which might tend to incriminate the person.

**\*-1243/P3.35\* SECTION 1776.** 100.18 (11) (d) of the statutes is amended to read:

100.18 (11) (d) ~~The department or the department of justice, after consulting with the department,~~ or any district attorney, upon informing the department of justice, may commence an action in circuit court in the name of the state to restrain by temporary or permanent injunction any violation of this section. The court may in its discretion, prior to entry of final judgment, make such orders or judgments as may be necessary to restore to any person any pecuniary loss suffered because of the acts or practices involved in the action, provided proof thereof is submitted to the satisfaction of the court. ~~The department and the department of justice may subpoena persons and require the production of books and other documents, and the department of justice may request the department to exercise its authority under par. (c) to aid in the investigation of alleged violations of this section.~~

1           \*-1243/P3.36\* SECTION 1777. 100.18 (11) (e) of the statutes is amended to  
2 read:

3           100.18 (11) (e) In lieu of instituting or continuing an action pursuant to this  
4 section, ~~the department or the department of justice~~ may accept a written assurance  
5 of discontinuance of any act or practice alleged to be a violation of this section from  
6 the person who has engaged in such act or practice. The acceptance of such assurance  
7 by ~~either the department or the department of justice~~ shall be deemed acceptance by  
8 ~~the other state officials enumerated in par. (d)~~ any district attorney if the terms of  
9 the assurance so provide. An assurance entered into pursuant to this section shall  
10 not be considered evidence of a violation of this section, provided that violation of  
11 such an assurance shall be treated as a violation of this section, and shall be  
12 subjected to all of the penalties and remedies provided therefor under this section.

13           \*-1243/P3.37\* SECTION 1778. 100.182 (5) (a) of the statutes is amended to  
14 read:

15           100.182 (5) (a) Any district attorney, after informing the department of justice,  
16 or the department of justice may seek a temporary or permanent injunction in circuit  
17 court to restrain any violation of this section. Prior to entering a final judgment the  
18 court may award damages to any person suffering monetary loss because of a  
19 violation. The department of justice may subpoena any person or require the  
20 production of any document to aid in investigating alleged violations of this section.

21           \*-1243/P3.38\* SECTION 1779. 100.182 (5) (b) of the statutes is amended to  
22 read:

23           100.182 (5) (b) In lieu of instituting or continuing an action under this  
24 subsection, the department of justice may accept a written assurance from a violator  
25 of this section that the violation has ceased. If the terms of the assurance so provide,

1 its acceptance by the department of justice prevents all district attorneys from  
2 prosecuting the violation. An assurance is not evidence of a violation of this section  
3 but violation of an assurance is subject to the penalties and remedies of violating this  
4 section.

5 **\*-1243/P3.39\* SECTION 1780.** 100.20 (2) (a) of the statutes is amended to read:

6 100.20 (2) (a) The department of justice, after public hearing, may issue  
7 general orders forbidding methods of competition in business or trade practices in  
8 business which are determined by the department of justice to be unfair. The  
9 department of justice, after public hearing, may issue general orders prescribing  
10 methods of competition in business or trade practices in business which are  
11 determined by the department of justice to be fair.

12 **\*-1243/P3.40\* SECTION 1781.** 100.20 (2) (b) of the statutes is amended to read:

13 100.20 (2) (b) Notwithstanding par. (a), the department of justice may not issue  
14 any order or promulgate any rule that regulates the provision of water or sewer  
15 service by a manufactured home park operator, as defined in s. 101.91 (8), or  
16 manufactured home park contractor, as defined in s. 101.91 (6m), or enforce any rule  
17 to the extent that the rule regulates the provision of such water or sewer service.

18 **\*-1243/P3.41\* SECTION 1782.** 100.20 (3) of the statutes is amended to read:

19 100.20 (3) The department of justice, after public hearing, may issue a special  
20 order against any person, enjoining such person from employing any method of  
21 competition in business or trade practice in business which is determined by the  
22 department of justice to be unfair or from providing service in violation of sub. (1t).  
23 The department of justice, after public hearing, may issue a special order against any  
24 person, requiring such person to employ the method of competition in business or  
25 trade practice in business which is determined by the department of justice to be fair.



1           \*~~1243/P3.42~~\* SECTION 1783. 100.20 (4) of the statutes is amended to read:

2           100.20 (4) ~~The~~ If the department of justice may ~~file a written complaint with~~  
3 ~~the department alleging that the~~ has reason to believe that a person named is  
4 employing unfair methods of competition in business or unfair trade practices in  
5 business or both. ~~Whenever such a complaint is filed,~~ it shall be the duty of the  
6 department of justice to proceed, after proper notice and in accordance with its rules,  
7 to the hearing and adjudication of the ~~matters alleged,~~ and a representative of the  
8 department of justice ~~designated by the attorney general may appear before the~~  
9 department in such proceedings. ~~The department of justice shall be entitled to~~  
10 judicial review of the decisions and orders of the department under ch. 227 matter.

11           \*~~1243/P3.43~~\* SECTION 1784. 100.20 (6) of the statutes is amended to read:

12           100.20 (6) The department of justice may commence an action in circuit court  
13 in the name of the state to restrain by temporary or permanent injunction the  
14 violation of any order issued under this section. The court may in its discretion, prior  
15 to entry of final judgment, make such orders or judgments as may be necessary to  
16 restore to any person any pecuniary loss suffered because of the acts or practices  
17 involved in the action, provided proof thereof is submitted to the satisfaction of the  
18 court. The department of justice may ~~use its authority in ss. 93.14 and 93.15 to~~  
19 investigate violations of any order issued under this section.

20           \*~~1243/P3.44~~\* SECTION 1785. 100.201 (6) (d) of the statutes is amended to  
21 read:

22           100.201 (6) (d) The failure to pay fees under this subsection within the time  
23 provided under par. (c) is a violation of this section. The department of justice may  
24 also commence an action to recover the amount of any overdue fees plus interest at  
25 the rate of 2% per month for each month that the fees are delinquent.

1           \*–1243/P3.45\* SECTION 1786. 100.201 (8m) (intro.) of the statutes is amended  
2 to read:

3           100.201 (8m) JURISDICTION. (intro.) This section shall apply to transactions,  
4 acts or omissions which take place in whole or in part outside this state. In any action  
5 or administrative proceeding the department of justice has jurisdiction of the person  
6 served under s. 801.11 when any act or omission outside this state by the defendant  
7 or respondent results in local injury or may have the effect of injuring competition  
8 or a competitor in this state or unfairly diverts trade or business from a competitor,  
9 if at the time:

10          \*–1243/P3.46\* SECTION 1787. 100.201 (9) (b) of the statutes is amended to  
11 read:

12          100.201 (9) (b) The department of agriculture, trade, and rural resources, after  
13 public hearing held under s. 93.18, may issue a special order against any person  
14 requiring such person to cease and desist from acts, practices, or omissions  
15 determined by the department of agriculture, trade, and rural resources to violate  
16 this section. Such orders shall be subject to judicial review under ch. 227. Any  
17 violation of a special order issued hereunder under this paragraph shall be  
18 punishable as a contempt under ch. 785 in the manner provided for disobedience of  
19 a lawful order of a court, upon the filing of an affidavit by the department of justice  
20 of the commission of such violation in any court of record in the county where the  
21 violation occurred.

22          \*–1243/P3.47\* SECTION 1788. 100.201 (9) (c) of the statutes is amended to  
23 read:

24          100.201 (9) (c) The department of justice, in addition to or in lieu of any other  
25 remedies herein provided, may apply to a circuit court for a temporary or permanent

1 injunction to prevent, restrain, or enjoin any person from violating this section or any  
2 special order of the department of agriculture, trade, and rural resources issued  
3 hereunder under this section, without being compelled to allege or prove that an  
4 adequate remedy at law does not exist.

5 \*–1243/P3.48\* SECTION 1789. 100.205 (7) of the statutes is amended to read:

6 100.205 (7) The department of justice, or any district attorney on informing the  
7 department of justice, may commence an action in circuit court in the name of the  
8 state to restrain by temporary or permanent injunction any violation of this section.  
9 The court may, before entry of final judgment and after satisfactory proof, make  
10 orders or judgments necessary to restore to any person any pecuniary loss suffered  
11 because of a violation of this section. The department of justice may conduct  
12 hearings, administer oaths, issue subpoenas, and take testimony to aid in its  
13 investigation of violations of this section.

14 \*–1243/P3.49\* SECTION 1790. 100.205 (8) of the statutes is amended to read:

15 100.205 (8) The department of justice or any district attorney may commence  
16 an action in the name of the state to recover a forfeiture to the state of not more than  
17 \$10,000 for each violation of this section.

18 \*–1243/P3.50\* SECTION 1791. 100.207 (1) of the statutes is renumbered

19 100.207 (1) (intro.) and amended to read:

20 100.207 (1) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section,  
21 “telecommunications;

22 (b) “Telecommunications service” has the meaning given in s. 196.01 (9m).

23 \*–1243/P3.51\* SECTION 1792. 100.207 (1) (a) of the statutes is created to read:

24 100.207 (1) (a) Notwithstanding s. 93.01 (3), “department” means the  
25 department of justice.

1           \***-1243/P3.52\* SECTION 1793.** 100.207 (6) (b) 1. of the statutes is amended to  
2 read:

3           100.207 (6) (b) 1. ~~The department of justice, after consulting with the~~  
4 ~~department of agriculture, trade and consumer protection, or any district attorney~~  
5 ~~upon informing the department of agriculture, trade and consumer protection, may~~  
6 ~~commence an action in circuit court in the name of the state to restrain by temporary~~  
7 ~~or permanent injunction any violation of this section. Injunctive relief may include~~  
8 ~~an order directing telecommunications providers, as defined in s. 196.01 (8p), to~~  
9 ~~discontinue telecommunications service provided to a person violating this section~~  
10 ~~or ch. 196. Before entry of final judgment, the court may make such orders or~~  
11 ~~judgments as may be necessary to restore to any person any pecuniary loss suffered~~  
12 ~~because of the acts or practices involved in the action if proof of these acts or practices~~  
13 ~~is submitted to the satisfaction of the court.~~

14           \***-1243/P3.53\* SECTION 1794.** 100.207 (6) (b) 2. of the statutes is amended to  
15 read:

16           100.207 (6) (b) 2. ~~The department may exercise its authority under ss. 93.14~~  
17 ~~to 93.16 and 100.18 (11) (e) to shall administer this section. The department and the~~  
18 ~~department of justice may subpoena persons and, require the production of books~~  
19 ~~and other documents, and the department of justice may request the department of~~  
20 ~~agriculture, trade and consumer protection to exercise its authority to aid in the~~  
21 ~~investigation of investigate alleged violations of this section.~~

22           \***-1243/P3.54\* SECTION 1795.** 100.207 (6) (c) of the statutes is amended to  
23 read:

24           100.207 (6) (c) Any person who violates subs. (2) to (4) shall be required to  
25 forfeit not less than \$25 nor more than \$5,000 for each offense. Forfeitures under this

1 paragraph shall be enforced by the department of justice, ~~after consulting with the~~  
2 ~~department of agriculture, trade and consumer protection,~~ or, upon informing the  
3 department, by the district attorney of the county where the violation occurs.

4 \*–1243/P3.55\* SECTION 1796. 100.207 (6) (em) 1. of the statutes is amended  
5 to read:

6 100.207 (6) (em) 1. Before preparing any proposed rule under this section, the  
7 department shall form an advisory group to suggest recommendations regarding the  
8 content and scope of the proposed rule. The advisory group shall consist of one or  
9 more persons who may be affected by the proposed rule, ~~a representative from the~~  
10 ~~department of justice~~ and a representative from the public service commission.

11 \*–1243/P3.56\* SECTION 1797. 100.207 (6) (em) 2. of the statutes is amended  
12 to read:

13 100.207 (6) (em) 2. The department shall submit the recommendations under  
14 subd. 1., if any, to the legislature as part of the report required under s. 227.19 (2)  
15 ~~and to the board of agriculture, trade and consumer protection.~~

16 \*–1243/P3.57\* SECTION 1798. 100.208 (2) (intro.) of the statutes is amended  
17 to read:

18 100.208 (2) (intro.) The department of justice shall notify the public service  
19 commission if any of the following conditions exists:

20 \*–1243/P3.58\* SECTION 1799. 100.208 (2) (b) of the statutes is amended to  
21 read:

22 100.208 (2) (b) The department of justice has issued an order under s. 100.20  
23 (3) prohibiting a telecommunications provider from engaging in an unfair trade  
24 practice or method of competition.

25 \*–1243/P3.59\* SECTION 1800. 100.209 (3) of the statutes is amended to read:

1           100.209 (3) RULES AND LOCAL ORDINANCES ALLOWED. This section does not  
2 prohibit the department of justice from promulgating a rule or from issuing an order  
3 consistent with its authority under this chapter that gives a subscriber greater rights  
4 than the rights under sub. (2) or prohibit a city, village, or town from enacting an  
5 ordinance that gives a subscriber greater rights than the rights under sub. (2).

6           **\*-1243/P3.60\* SECTION 1801.** 100.209 (4) (b) of the statutes is amended to  
7 read:

8           100.209 (4) (b) The department of justice and the district attorneys of this state  
9 have concurrent authority to institute civil proceedings under this section.

10           **\*-1243/P3.61\* SECTION 1802.** 100.2095 (6) (b) of the statutes is amended to  
11 read:

12           100.2095 (6) (b) The department of justice may commence an action in the  
13 name of the state to restrain by temporary or permanent injunction a violation of sub.  
14 (3), (4) or (5). Before entry of final judgment, the court may make any necessary  
15 orders to restore to any person any pecuniary loss suffered by the person because of  
16 the violation.

17           **\*-1243/P3.62\* SECTION 1803.** 100.2095 (6) (c) of the statutes is amended to  
18 read:

19           100.2095 (6) (c) The department of justice or any district attorney may  
20 commence an action in the name of the state to recover a forfeiture to the state of not  
21 less than \$100 nor more than \$10,000 for each violation of sub. (3), (4) or (5).

22           **\*-1243/P3.63\* SECTION 1804.** 100.21 (2) (a) of the statutes is amended to read:

23           100.21 (2) (a) No person may make an energy savings or safety claim without  
24 a reasonable and currently accepted scientific basis for the claim when the claim is  
25 made. Making an energy savings or safety claim without a reasonable and currently

1 accepted scientific basis is also an unfair method of competition and trade practice  
2 prohibited under s. 100.20.

3 \*~~1243/P3.64~~\* SECTION 1805. 100.21 (4) (a) (intro.) of the statutes is amended  
4 to read:

5 100.21 (4) (a) (intro.) The department may, after public hearing, issue general  
6 or special orders ~~under s. 100.20~~:

7 \*~~1243/P3.65~~\* SECTION 1806. 100.22 (4) (b) of the statutes is amended to read:

8 100.22 (4) (b) The department of justice may, without alleging or proving that  
9 no other adequate remedy at law exists, bring an action on behalf of the department  
10 of agriculture, trade, and rural resources to enjoin violations of this section or a  
11 special order issued under this section in the circuit court for the county where the  
12 alleged violation occurred.

13 \*~~1243/P3.66~~\* SECTION 1807. 100.235 (11) (a) of the statutes is amended to  
14 read:

15 100.235 (11) (a) *Forfeiture.* Any person who violates this section or any rule  
16 promulgated or order issued under this section may be required to forfeit not less  
17 than \$100 nor more than \$10,000. ~~Notwithstanding s. 165.25 (1), the department~~  
18 ~~may commence an action to recover a forfeiture under this paragraph.~~

19 \*~~1243/P3.67~~\* SECTION 1808. 100.26 (6) of the statutes is amended to read:

20 100.26 (6) ~~The department, the department of justice, after consulting with the~~  
21 ~~department, or any district attorney may commence an action in the name of the~~  
22 ~~state to recover a civil forfeiture to the state of not less than \$100 nor more than~~  
23 ~~\$10,000 for each violation of~~ Any person violating an injunction issued under s.  
24 100.18, 100.182 or 100.20 (6). ~~The department of agriculture, trade and consumer~~  
25 ~~protection or any district attorney may commence an action in the name of the state~~

1 ~~to recover a civil~~ is subject to a forfeiture of not less than \$100 nor more than \$10,000  
2 for each violation. Any person violating an order issued under s. 100.20 is subject  
3 to a forfeiture to the state of not less than \$100 nor more than \$10,000 for each  
4 violation of an order issued under s. 100.20.

5 **\*-1243/P3.68\* SECTION 1809.** 100.261 (1) of the statutes is amended to read:

6 100.261 (1) If a court imposes a fine or forfeiture for a violation of this chapter,  
7 ~~ch. chs. 98 or 133~~, a rule promulgated under this chapter or ~~ch. chs. 98 or 133~~, or an  
8 ordinance enacted under this chapter or ~~ch. chs. 98 or 133~~, the court shall also impose  
9 a consumer protection surcharge under ch. 814 in an amount equal to 25% of the fine  
10 or forfeiture imposed. If multiple violations are involved, the court shall base the  
11 consumer protection surcharge upon the total of the fine or forfeiture amounts for all  
12 violations. If a fine or forfeiture is suspended in whole or in part, the court shall  
13 reduce the surcharge in proportion to the suspension.

14 **\*-1243/P3.69\* SECTION 1810.** 100.261 (3) (b) of the statutes is amended to  
15 read:

16 100.261 (3) (b) The secretary of administration shall deposit the consumer  
17 protection surcharges imposed under ch. 814 for a violation of ch. 98, a rule  
18 promulgated under ch. 98, or an ordinance enacted under ch. 98 in the general fund  
19 and shall credit them to the appropriation account under s. 20.115 (1) (jb), subject to  
20 the limit under par. (c).

21 **\*-1243/P3.70\* SECTION 1811.** 100.261 (3) (d) of the statutes is created to read:

22 100.261 (3) (d) The state treasurer shall deposit the consumer protection  
23 surcharge amounts imposed for a violation of this chapter or ch. 133, a rule  
24 promulgated under this chapter or ch. 133, or an ordinance enacted under this



1 chapter in the general fund and shall credit them to the appropriation account under  
2 s. 20.455 (1) (g), subject to the limit under par. (e).

3 **\*-1243/P3.71\* SECTION 1812.** 100.261 (3) (e) of the statutes is created to read:

4 100.261 (3) (e) The amount credited to the appropriation account under s.  
5 20.455 (1) (g) may not exceed \$375,000 in each fiscal year.

6 **\*-1243/P3.72\* SECTION 1813.** 100.263 of the statutes is amended to read:

7 **100.263 Recovery.** In addition to other remedies available under this chapter,  
8 the court may award the department state the reasonable and necessary costs of  
9 investigation and, an amount reasonably necessary to remedy the harmful effects of  
10 the violation, and ~~the court may award the department of justice~~ the reasonable and  
11 necessary expenses of prosecution, including attorney fees, from any person who  
12 violates this chapter. ~~The department and the department of justice~~ amounts  
13 awarded under this section shall ~~deposit~~ be deposited in the state treasury for  
14 deposit in the general fund ~~all moneys that the court awards to the department, the~~  
15 ~~department of justice or the state under this section.~~ Ten percent of the money  
16 deposited in the general fund that was awarded under this section for the costs of  
17 investigation and the expenses of prosecution, including attorney fees, shall be  
18 credited to the appropriation account under s. 20.455 (1) (gh).

19 **\*-1243/P3.73\* SECTION 1814.** 100.28 (4) (b) of the statutes is amended to read:

20 100.28 (4) (b) In lieu of or in addition to forfeitures under par. (a), the  
21 department of justice may seek an injunction restraining any person from violating  
22 this section.

23 **\*-1243/P3.74\* SECTION 1815.** 100.28 (4) (c) of the statutes is amended to read:

1           100.28 (4) (c) The department of justice, or any district attorney upon the  
2 request of the department of justice, may commence an action in the name of the  
3 state under par. (a) or (b).

4           **\*-1243/P3.75\* SECTION 1816.** 100.31 (4) of the statutes is amended to read:

5           100.31 (4) PENALTIES. For any violation of this section, the department of  
6 justice or a district attorney may commence an action on behalf of the state to recover  
7 a forfeiture of not less than \$100 nor more than \$10,000 for each offense. Each  
8 delivery of a drug sold to a purchaser at a price in violation of this section and each  
9 separate day in violation of an injunction issued under this section is a separate  
10 offense.

11           **\*-1243/P3.76\* SECTION 1817.** 100.31 (5) of the statutes is amended to read:

12           100.31 (5) SPECIAL REMEDIES. The department of justice or a district attorney  
13 may bring an action to enjoin a violation of this section without being compelled to  
14 allege or prove that an adequate remedy at law does not exist. An action under this  
15 subsection may be commenced and prosecuted by the department of justice or a  
16 district attorney, in the name of the state, in a circuit court in the county where the  
17 offense occurred or in Dane County, notwithstanding s. 801.50.

18           **\*-1243/P3.77\* SECTION 1818.** 100.37 (1) (am) of the statutes is created to read:

19           100.37 (1) (am) Notwithstanding s. 93.01 (3), “department” means the  
20 department of justice.

21           **\*-1243/P3.78\* SECTION 1819.** 100.38 (5) of the statutes is amended to read:

22           100.38 (5) INSPECTION. The department of justice shall enforce this section by  
23 inspection, chemical analyses, or any other appropriate method, and the department  
24 of justice may promulgate such rules as are necessary to effectively enforce this  
25 section.

1           \*–1243/P3.79\* SECTION 1820. 100.38 (6) of the statutes is amended to read:

2           100.38 (6) ENFORCEMENT. It is unlawful to sell any antifreeze which is  
3 adulterated or misbranded. In addition to the penalties provided under sub. (7), the  
4 department of justice may bring an action to enjoin violations of this section.

5           \*–1243/P3.80\* SECTION 1821. 100.41 (1) (bn) of the statutes is created to read:

6           100.41 (1) (bn) Notwithstanding s. 93.01 (3), “department” means the  
7 department of justice.

8           \*–1243/P3.81\* SECTION 1822. 100.42 (1) (cm) of the statutes is created to read:

9           100.42 (1) (cm) Notwithstanding s. 93.01 (3), “department” means the  
10 department of justice.

11          \*–1243/P3.82\* SECTION 1823. 100.43 (1) (am) of the statutes is created to read:

12          100.43 (1) (am) Notwithstanding s. 93.01 (3), “department” means the  
13 department of justice.

14          \*–1243/P3.83\* SECTION 1824. 100.44 (5) of the statutes is amended to read:

15          100.44 (5) ENFORCEMENT. For any violation of sub. (3), the department of justice  
16 may, on behalf of the state, bring an action in any court of competent jurisdiction for  
17 the recovery of forfeitures authorized under sub. (4), for temporary or permanent  
18 injunctive relief and for any other appropriate relief. The court may make any order  
19 or judgment that is necessary to restore to any person any pecuniary loss suffered  
20 because of a violation of sub. (3), if proof of the loss is shown to the satisfaction of the  
21 court.

22          \*–1243/P3.84\* SECTION 1825. 100.46 (1) of the statutes is amended to read:

23          100.46 (1) ENERGY CONSERVATION STANDARDS. The department of justice may by  
24 rule adopt energy conservation standards for products that have been established in  
25 or promulgated under 42 USC 6291 to 6309.

1           **\*-1243/P3.85\* SECTION 1826.** 100.46 (2) of the statutes is amended to read:

2           100.46 (2) PROHIBITED ACTS; ENFORCEMENT. No person may sell at retail, install,  
3 or cause to be installed any product that is not in compliance with rules promulgated  
4 under sub. (1). In addition to other penalties and enforcement procedures, the  
5 department of justice may apply to a court for a temporary or permanent injunction  
6 restraining any person from violating a rule adopted under sub. (1).

7           **\*-1243/P3.86\* SECTION 1827.** 100.50 (6) (b) of the statutes is amended to read:

8           100.50 (6) (b) In lieu of or in addition to the remedy under par. (a), the  
9 department of justice may seek an injunction restraining any person from violating  
10 this section.

11           **\*-1243/P3.87\* SECTION 1828.** 100.50 (6) (c) of the statutes is amended to read:

12           100.50 (6) (c) The department of justice, or any district attorney upon the  
13 request of the department of justice, may commence an action in the name of the  
14 state under par. (a) or (b).

15           **\*-1243/P3.88\* SECTION 1829.** 100.52 (1) (bn) of the statutes is created to read:

16           100.52 (1) (bn) Notwithstanding s. 93.01 (3), “department” means the  
17 department of justice.

18           **\*-1243/P3.89\* SECTION 1830.** 101.175 (3) (intro.) of the statutes is amended  
19 to read:

20           101.175 (3) (intro.) The department, in consultation with the department of  
21 ~~agriculture, trade and consumer protection~~ justice, shall establish by rule quality  
22 standards for local energy resource systems which do not impede development of  
23 innovative systems but which do:

24           **\*-1560/3.22\* SECTION 1831.** 101.9208 (1) (dm) of the statutes is amended to  
25 read:

1           101.9208 (1) (dm) Upon filing an application under par. (a) or (d), a  
2 supplemental title fee of \$7.50 by the owner of the manufactured home, except that  
3 this fee shall be waived with respect to an application under par. (d) for transfer of  
4 a decedent's interest in a manufactured home to his or her surviving spouse. The fee  
5 specified under this paragraph is in addition to any other fee specified in this section.  
6 The department shall deposit into the environmental fund all fees collected under  
7 this paragraph.

8           \*–1623/1.3\* SECTION 1832. 102.77 of the statutes is created to read:

9           **102.77 Health care worker injury prevention. (1) DEFINITIONS.** In this  
10 section:

11           (a) "Health care facility" has the meaning given in s. 146.997 (1) (c).

12           (b) "Health care provider" has the meaning given in s. 146.997 (1) (d).

13           (c) "Health care worker" means an employee of a health care facility or of a  
14 health care provider.

15           **(2) STUDY, EDUCATION CAMPAIGN, AND GRANTS.** From the appropriation account  
16 under s. 20.445 (1) (hr), the department shall do all of the following:

17           (a) Conduct a study of injuries to health care workers caused by lifting.

18           (b) Develop and distribute to health care facilities, health care providers, and  
19 health care workers informational materials that promote a lift-free working  
20 environment for health care workers.

21           (c) Distribute grants to health care facilities and health care providers to assist  
22 in the implementation of a lift-free working environment for the health care workers  
23 of those health care facilities and health care providers. The department shall  
24 require a grant recipient to provide matching funds in an amount determined by the  
25 department.

1           \***-1219/2.13\*** SECTION 1833. 102.81 (2) of the statutes is amended to read:

2           102.81 (2) The department may retain an insurance carrier or insurance  
3 service organization to process, investigate and pay claims under this section and  
4 may obtain excess or stop-loss reinsurance with an insurance carrier authorized to  
5 do business in this state in an amount that the secretary determines is necessary for  
6 the sound operation of the uninsured employers fund. In cases involving disputed  
7 claims, the department may retain an attorney to represent the interests of the  
8 uninsured employers fund and to make appearances on behalf of the uninsured  
9 employers fund in proceedings under ss. 102.16 to 102.29. Section 20.918 and all  
10 provisions of subch. IV of ch. 16, except s. 16.771, do not apply to an attorney hired  
11 under this subsection. The charges for the services retained under this subsection  
12 shall be paid from the appropriation under s. 20.445 (1) (hp). The cost of any  
13 reinsurance obtained under this subsection shall be paid from the appropriation  
14 under s. 20.445 (1) (sm).

15           \***-1305/1.2\*** SECTION 1834. 103.49 (5) (a) of the statutes is amended to read:

16           103.49 (5) (a) Each contractor, subcontractor, or contractor's or subcontractor's  
17 agent performing work on a project that is subject to this section shall keep full and  
18 accurate records clearly indicating the name and trade or occupation of every person  
19 performing the work described in sub. (2m) and an accurate record of the number of  
20 hours worked by each of those persons and the actual wages paid for the hours  
21 worked. By no later than the end of the week following a week in which a contractor,  
22 subcontractor, or contractor's or subcontractor's agent performs work on a project  
23 that is subject to this section, the contractor, subcontractor, or agent shall submit to  
24 the state agency authorizing the work a certified record of the information specified  
25 in the preceding sentence for that preceding week.

1           **\*-1306/2.18\* SECTION 1835.** 106.12 (2) of the statutes is amended to read:

2           106.12 (2) EMPLOYMENT AND EDUCATION PROGRAM ADMINISTRATION. The board  
3 shall plan, coordinate, administer, and implement the youth apprenticeship  
4 program, school-to-work, and work-based learning programs under s. 106.13 (1)  
5 and such other employment and education programs as the governor may by  
6 executive order assign to the board. Notwithstanding any limitations placed on the  
7 use of state employment and education funds under this section or s. 106.13 or under  
8 an executive order assigning an employment and education program to the board,  
9 the board may issue a general or special order waiving any of those limitations on  
10 finding that the waiver will promote the coordination of employment and education  
11 services.

12           **\*-1306/2.19\* SECTION 1836.** 106.13 (1) of the statutes is renumbered 106.13

13 (1) (intro.) and amended to read:

14           106.13 (1) (intro.) The ~~department~~ board shall provide a all of the following  
15 programs:

16           (a) A youth apprenticeship program that includes the grant programs under  
17 subs. (3m) and (4).

18           **\*-1306/2.20\* SECTION 1837.** 106.13 (2) of the statutes is amended to read:

19           106.13 (2) The council on workforce investment established under 29 USC  
20 2821, the technical college system board, and the department of public instruction  
21 shall assist the board in providing the youth apprenticeship program, the  
22 school-to-work program, and the work-based learning program under sub. (1).

23           **\*-1306/2.21\* SECTION 1838.** 106.13 (2m) of the statutes is amended to read:

24           106.13 (2m) The board shall approve occupations and maintain a list of  
25 approved occupations for the youth apprenticeship program and shall approve

1 statewide skill standards for the school-to-work program. From the appropriation  
2 under s. 20.445 ~~(1)~~ (7) (a), the board shall develop curricula for youth apprenticeship  
3 programs for occupations approved under this subsection.

4 \***-1306/2.22\* SECTION 1839.** 106.13 (3m) (b) (intro.) of the statutes is amended  
5 to read:

6 106.13 **(3m)** (b) (intro.) From the appropriation under s. 20.445 ~~(1)~~ (e) (7) (b),  
7 the board shall award grants to applying local partnerships for the implementation  
8 and coordination of local youth apprenticeship programs. A local partnership shall  
9 include in its grant application the identity of each public agency, nonprofit  
10 organization, individual, and other person who is a participant in the local  
11 partnership, a plan to accomplish the implementation and coordination activities  
12 specified in subds. 1. to 6., and the identity of a fiscal agent who shall be responsible  
13 for receiving, managing, and accounting for the grant moneys received under this  
14 paragraph. Subject to par. (c), a local partnership that is awarded a grant under this  
15 paragraph may use the grant moneys awarded for any of the following  
16 implementation and coordination activities:

17 \***-0311/3.12\* SECTION 1840.** 108.02 (13) (k) of the statutes is amended to read:

18 108.02 **(13)** (k) "Employer" does not include a county department ~~or~~ aging unit,  
19 or, under s. 46.2785, a private agency that serves as a fiscal agent or contracts with  
20 a fiscal intermediary to serve as a fiscal agent under s. 46.27 (5) (i) or 47.035 as to  
21 any individual performing services for a person receiving long-term support services  
22 under s. 46.27 (5) (b), 46.275, 46.277, 46.278, 46.2785, 46.286, 46.495, 51.42, or  
23 51.437 or personal assistance services under s. 47.02 (6) (c).

24 \***-0252/2.5\* SECTION 1841.** 108.07 (8) (b) of the statutes is amended to read:



1           108.07 (8) (b) If a claimant is a prisoner of a state prison, as defined in s. 302.01,  
2           and has employment with an employer other than the department of corrections or  
3           ~~a private business leasing space within a state prison under s. 303.01 (2) (em), and~~  
4           the claimant's employment terminates because conditions of incarceration or  
5           supervision make it impossible to continue the employment, the department shall  
6           charge to the fund's balancing account any benefits based on the terminated  
7           employment that are otherwise chargeable to the account of an employer that is  
8           subject to the contribution requirements under ss. 108.17 and 108.18.

9           **\*-0352/4.1\* SECTION 1842.** 111.70 (1) (b) of the statutes is amended to read:

10           111.70 (1) (b) "Collective bargaining unit" means ~~a the unit consisting of~~  
11           ~~municipal employees who are school district professional employees or of municipal~~  
12           ~~employees who are not school district professional employees that is determined by~~  
13           the commission to be appropriate for the purpose of collective bargaining.

14           **\*-0352/4.2\* SECTION 1843.** 111.70 (1) (dm) of the statutes is repealed.

15           **\*-0352/4.3\* SECTION 1844.** 111.70 (1) (fm) of the statutes is repealed.

16           **\*-0352/4.4\* SECTION 1845.** 111.70 (1) (nc) of the statutes is repealed.

17           **\*-0352/4.5\* SECTION 1846.** 111.70 (4) (cm) 5s. of the statutes is repealed.

18           **\*-0352/4.6\* SECTION 1847.** 111.70 (4) (cm) 6. a. of the statutes is amended to  
19           read:

20           111.70 (4) (cm) 6. a. If in any collective bargaining unit a dispute relating to one  
21           or more issues, ~~qualifying for interest arbitration under subd. 5s. in a collective~~  
22           ~~bargaining unit to which subd. 5s. applies,~~ has not been settled after a reasonable  
23           period of negotiation and after mediation by the commission under subd. 3. and other  
24           settlement procedures, if any, established by the parties have been exhausted, and  
25           the parties are deadlocked with respect to any dispute between them over wages,

1 hours and conditions of employment to be included in a new collective bargaining  
2 agreement, either party, or the parties jointly, may petition the commission, in  
3 writing, to initiate compulsory, final and binding arbitration, as provided in this  
4 paragraph. At the time the petition is filed, the petitioning party shall submit in  
5 writing to the other party and the commission its preliminary final offer containing  
6 its latest proposals on all issues in dispute. Within 14 calendar days after the date  
7 of that submission, the other party shall submit in writing its preliminary final offer  
8 on all disputed issues to the petitioning party and the commission. If a petition is  
9 filed jointly, both parties shall exchange their preliminary final offers in writing and  
10 submit copies to the commission at the time the petition is filed.

11 **\*-0352/4.7\* SECTION 1848.** 111.70 (4) (cm) 6. am. of the statutes is amended  
12 to read:

13 111.70 (4) (cm) 6. am. Upon receipt of a petition to initiate arbitration, the  
14 commission shall make an investigation, with or without a formal hearing, to  
15 determine whether arbitration should be commenced. If in determining whether an  
16 impasse exists the commission finds that the procedures set forth in this paragraph  
17 have not been complied with and such compliance would tend to result in a  
18 settlement, it may order such compliance before ordering arbitration. The validity  
19 of any arbitration award or collective bargaining agreement shall not be affected by  
20 failure to comply with such procedures. Prior to the close of the investigation each  
21 party shall submit in writing to the commission its single final offer containing its  
22 final proposals on all issues in dispute that are subject to interest arbitration under  
23 this subdivision ~~or under subd. 5s. in collective bargaining units to which subd. 5s.~~  
24 applies. If a party fails to submit a single, ultimate final offer, the commission shall  
25 close the investigation based on the last written position of the party. ~~The municipal~~

1     ~~employer may not submit a qualified economic offer under subd. 5s. after the close~~  
2     ~~of the investigation.~~ Such final offers may include only mandatory subjects of  
3     bargaining, except that a permissive subject of bargaining may be included by a  
4     party if the other party does not object and shall then be treated as a mandatory  
5     subject. No later than such time, the parties shall also submit to the commission a  
6     stipulation, in writing, with respect to all matters which are agreed upon for  
7     inclusion in the new or amended collective bargaining agreement. The commission,  
8     after receiving a report from its investigator and determining that arbitration should  
9     be commenced, shall issue an order requiring arbitration and immediately submit  
10    to the parties a list of 7 arbitrators. Upon receipt of such list, the parties shall  
11    alternately strike names until a single name is left, who shall be appointed as  
12    arbitrator. The petitioning party shall notify the commission in writing of the  
13    identity of the arbitrator selected. Upon receipt of such notice, the commission shall  
14    formally appoint the arbitrator and submit to him or her the final offers of the  
15    parties. The final offers shall be considered public documents and shall be available  
16    from the commission. In lieu of a single arbitrator and upon request of both parties,  
17    the commission shall appoint a tripartite arbitration panel consisting of one member  
18    selected by each of the parties and a neutral person designated by the commission  
19    who shall serve as a chairperson. An arbitration panel has the same powers and  
20    duties as provided in this section for any other appointed arbitrator, and all  
21    arbitration decisions by such panel shall be determined by majority vote. In lieu of  
22    selection of the arbitrator by the parties and upon request of both parties, the  
23    commission shall establish a procedure for randomly selecting names of arbitrators.  
24    Under the procedure, the commission shall submit a list of 7 arbitrators to the  
25    parties. Each party shall strike one name from the list. From the remaining 5

1 names, the commission shall randomly appoint an arbitrator. Unless both parties  
2 to an arbitration proceeding otherwise agree in writing, every individual whose  
3 name is submitted by the commission for appointment as an arbitrator shall be a  
4 resident of this state at the time of submission and every individual who is  
5 designated as an arbitration panel chairperson shall be a resident of this state at the  
6 time of designation.

7       **\*-0352/4.8\* SECTION 1849.** 111.70 (4) (cm) 8m. a. and c. of the statutes are  
8 consolidated, renumbered 111.70 (4) (cm) 8m. and amended to read:

9       111.70 (4) (cm) 8m. ‘Term of agreement; reopening of negotiations.’ Except for  
10 the initial collective bargaining agreement between the parties and, except as the  
11 parties otherwise agree, and except as provided in par. (cn), every collective  
12 bargaining agreement covering municipal employees subject to this paragraph ~~other~~  
13 ~~than school district professional employees~~ shall be for a term of 2 years. ~~No, but in~~  
14 no case may a collective bargaining agreement for any collective bargaining unit  
15 consisting of municipal employees ~~subject to this paragraph other than school~~  
16 ~~district professional employees~~ shall be for a term exceeding 3 years. e. No  
17 arbitration award may contain a provision for reopening of negotiations during the  
18 term of a collective bargaining agreement, unless both parties agree to such a  
19 provision. The requirement for agreement by both parties does not apply to a  
20 provision for reopening of negotiations with respect to any portion of an agreement  
21 that is declared invalid by a court or administrative agency or rendered invalid by  
22 the enactment of a law or promulgation of a federal regulation.

23       **\*-0352/4.9\* SECTION 1850.** 111.70 (4) (cm) 8m. b. of the statutes is repealed.

24       **\*-0352/4.10\* SECTION 1851.** 111.70 (4) (cm) 8p. of the statutes is repealed.

25       **\*-0352/4.11\* SECTION 1852.** 111.70 (4) (cm) 8s. of the statutes is repealed.

1           \*-0352/4.12\* SECTION 1853. 111.70 (4) (d) 2. a. of the statutes is amended to  
2 read:

3           111.70 (4) (d) 2. a. The commission shall determine the appropriate collective  
4 bargaining unit for the purpose of collective bargaining and shall whenever possible,  
5 unless otherwise required under this subchapter, avoid fragmentation by  
6 maintaining as few collective bargaining units as practicable in keeping with the size  
7 of the total municipal work force. In making such a determination, the commission  
8 may decide whether, in a particular case, the municipal employees in the same or  
9 several departments, divisions, institutions, crafts, professions, or other  
10 occupational groupings constitute a collective bargaining unit. Before making its  
11 determination, the commission may provide an opportunity for the municipal  
12 employees concerned to determine, by secret ballot, whether or not they desire to be  
13 established as a separate collective bargaining unit. ~~The commission shall not~~  
14 ~~decide, however, that any group of municipal employees constitutes an appropriate~~  
15 ~~collective bargaining unit if the group includes both municipal employees who are~~  
16 ~~school district professional employees and municipal employees who are not school~~  
17 ~~district professional employees.~~ The commission shall not decide, however, that any  
18 ~~other~~ group of municipal employees constitutes an appropriate collective bargaining  
19 unit if the group includes both professional employees and nonprofessional  
20 employees, unless a majority of the professional employees vote for inclusion in the  
21 unit. The commission shall not decide that any group of municipal employees  
22 constitutes an appropriate collective bargaining unit if the group includes both craft  
23 employees and noncraft employees unless a majority of the craft employees vote for  
24 inclusion in the unit. The commission shall place the professional employees who are  
25 assigned to perform any services at a charter school, as defined in s. 115.001 (1), in

1 a separate collective bargaining unit from a unit that includes any other professional  
2 employees whenever at least 30% of those professional employees request an election  
3 to be held to determine that issue and a majority of the professional employees at the  
4 charter school who cast votes in the election decide to be represented in a separate  
5 collective bargaining unit. Any vote taken under this subsection shall be by secret  
6 ballot.

7 **\*-1737/2.9\* SECTION 1854.** 111.815 (3) of the statutes is amended to read:

8 111.815 (3) With regard to collective bargaining activities involving employees  
9 who are assistant district attorneys, the director of the office shall maintain close  
10 liaison with the secretary department of administration justice.

11 **\*-0342/3.2\* SECTION 1855.** 115.28 (45) of the statutes is created to read:

12 115.28 (45) GRANTS FOR ADVANCED PLACEMENT COURSES. From the appropriation  
13 under s. 20.255 (2) (fw), award grants to school districts to partially reimburse them  
14 for the costs of offering advanced placement courses in high schools that are not  
15 offering such courses. A grant may not exceed an amount equal to \$300 multiplied  
16 by the number of pupils in the high school's advanced placement courses in the fall  
17 or spring session in which the grant is awarded.

18 **\*-1648/2.17\* SECTION 1856.** 115.28 (47m) of the statutes is created to read:

19 115.28 (47m) GRANT TO BELOIT COLLEGE. Annually award the amount  
20 appropriated under s. 20.255 (2) (kn) to Beloit College to educate children and adults  
21 in southern Wisconsin about Native American cultures.

22 **\*-0401/1.1\* SECTION 1857.** 115.29 (6) of the statutes is created to read:

23 115.29 (6) ENGLISH LANGUAGE PROFICIENCY ASSESSMENT SYSTEM. Assist in the  
24 establishment of, and participate in, a consortium of state education agencies

1 organized to obtain public and private funds to be used to purchase an English  
2 language proficiency assessment system.

3 **\*-0393/2.1\* SECTION 1858.** 115.341 (1) of the statutes is amended to read:

4 115.341 (1) From the appropriation under s. 20.255 (2) (cm), the state  
5 superintendent shall reimburse each school board ~~10~~ 15 cents for each breakfast  
6 served at a school that meets the requirements of 7 CFR 220.8 or 220.8a, whichever  
7 is applicable, and shall reimburse each governing body of a private school ~~10~~ 15 cents  
8 for each breakfast served at the private school that meets the requirements of 7 CFR  
9 220.8 or 220.8a, whichever is applicable.

10 **\*-1534/3.5\* SECTION 1859.** 115.3615 of the statutes is amended to read:

11 **115.3615 Head start supplement.** From the ~~appropriations~~ appropriation  
12 under s. 20.255 (2) (eh) ~~and (kh)~~, the state superintendent shall distribute funds to  
13 agencies determined by the state superintendent to be eligible for designation as  
14 head start agencies under 42 USC 9836 to provide comprehensive health,  
15 educational, nutritional, social and other services to economically disadvantaged  
16 children and their families. The state superintendent shall distribute the funds in  
17 a manner consistent with 42 USC 9831 to 9852 except that there is no matching fund  
18 requirement. The state superintendent shall give preference in funding under this  
19 section to agencies that are receiving federal funds under 42 USC 9831 to 9852 and  
20 to agencies that operate full-time or early head start programs. Funds distributed  
21 under this section may be used to match available federal funds under 42 USC 9831  
22 to 9852 only if the funds are used to secure additional federal funds for the purposes  
23 under this section.

24 **\*-1588/4.2\* SECTION 1860.** 115.40 of the statutes is created to read:

**115.40 Grants for differentiated compensation programs.** (1) During the 2005–07 fiscal biennium, a school district is eligible for a grant under this section for the design, development, and implementation of a differentiated compensation program that bases all or part of teacher salary increases on one or more of the following factors:

(a) An increase in a teacher’s knowledge about teaching or about the subjects he or she teaches or an improvement in a teacher’s teaching skills.

(b) The assumption by a teacher of additional leadership responsibilities, including mentoring other teachers.

(c) The assignment of a teacher to a grade level or subject area in which there are teacher shortages.

(d) The assignment of a teacher to a school that is difficult to staff or that is low in pupil performance.

(2) From the appropriation under s. 20.255 (2) (dc), the department shall award two-year, nonrenewable grants under this section to no more than 20 school districts. The amount of a grant may not exceed \$100,000.

(3) Within 90 days after the end of the grant period, each school board receiving a grant under this section shall submit to the department a report that summarizes the activities funded by the grant.

(4) The department shall do all of the following:

(a) Award grants under this section in a competitive process based on criteria designed by the department.

(b) In awarding grants, give preference to school districts that demonstrate the support of the teachers employed by the school district, the community, and the businesses in the community.



1 (c) In awarding grants, make all reasonable efforts to reflect the diversity of  
2 school districts in size of enrollment, ethnicity, location, family income, and density  
3 of population.

4 (d) Promulgate rules to implement and administer this section.

5 (5) This section does not affect a school district's duty to bargain with the  
6 employees collective bargaining representative over wages, hours, and conditions of  
7 employment.

8 \*~~0400/3.3~~ **SECTION 1861.** 115.405 (1) of the statutes is renumbered 115.405  
9 (1) (a) and amended to read:

10 115.405 (1) (a) A cooperative educational service agency or a consortium  
11 consisting of 2 or more school districts or cooperative educational service agencies,  
12 or a combination thereof, may apply to the department for a grant to provide  
13 technical assistance and training for teachers who are licensed or have been issued  
14 a permit under ss. 115.28 (7) and 118.192 to implement peer review and mentoring  
15 programs. An applicant for a grant under this section subsection shall submit to the  
16 department a plan identifying the school districts and cooperative educational  
17 service agencies that will participate in the peer review and mentoring program and  
18 describing how the grant funds will be allocated. As a condition of receiving a grant  
19 under this section subsection, a cooperative educational service agency or a  
20 consortium shall provide matching funds in an amount equal to at least 20% of the  
21 amount of the grant awarded. The matching funds may be in the form of money or  
22 in-kind services or both.

23 \*~~0400/3.4~~ **SECTION 1862.** 115.405 (2) of the statutes is renumbered 115.405  
24 (1) (b) and amended to read:

115.405 (1) (b) The department shall award grants under par. (a) from the appropriation under s. 20.255 (2) (fk). The department may not award more than \$25,000 to an applicant in a fiscal year.

**\*-0400/3.5\* SECTION 1863.** 115.405 (2m) of the statutes is created to read:

115.405 (2m) (a) In this subsection, “initial educator” means a person who is licensed by the department as an initial educator under s. PI 34.17, Wis. Adm. Code.

(b) From the appropriation under s. 20.255 (2) (fh), the department shall award a grant to each person employing an initial educator in a position requiring a teaching license issued by the department under s. 115.28 (7), for each initial educator so employed. The amount of the grant shall be equal to the amount that the employer is spending to provide a mentor for the initial educator, but not more than \$375. The employer shall use the money to provide a mentor for each initial educator employed.

(c) If the amount appropriated under s. 20.255 (2) (fh) in any fiscal year is insufficient to fully fund the grants under this subsection, the department shall prorate the payments to eligible persons.

**\*-0399/1.2\* SECTION 1864.** 115.42 (title) of the statutes is amended to read:

115.42 (title) **National Grants for national teacher certification or master educator licensure.**

**\*-0399/1.3\* SECTION 1865.** 115.42 (1) (a) 1. of the statutes is amended to read:

115.42 (1) (a) 1. The person is certified by the National Board for Professional Teaching Standards or licensed by the department as a master educator under s. PI 34.19, Wis. Adm. Code.

**\*-0399/1.4\* SECTION 1866.** 115.42 (1) (a) 2. of the statutes is amended to read:

1           115.42 (1) (a) 2. The person is licensed as a teacher by the state superintendent,  
2           or employed as a teacher in a private school located in this state in a position that  
3           would require a license issued by the state superintendent if the position were in a  
4           public school.

5           \*-0399/1.5\* SECTION 1867. 115.42 (1) (a) 4. of the statutes is amended to read:

6           115.42 (1) (a) 4. The person is employed as a teacher in this state in a position  
7           that requires a license issued by the state superintendent or that would require such  
8           a license if the position were in a public school.

9           \*-0399/1.6\* SECTION 1868. 115.42 (1) (b) of the statutes is amended to read:

10          115.42 (1) (b) The grant under this subsection shall be an amount equal to the  
11          costs of obtaining certification or licensure under par. (a) 1. that are borne by the  
12          person, not to exceed \$2,000. The department shall award the grant under this  
13          subsection in the first school year in which the person meets the requirements under  
14          par. (a).

15          \*-0399/1.7\* SECTION 1869. 115.42 (2) (a) 1. of the statutes is amended to read:

16          115.42 (2) (a) 1. The person maintains his or her ~~certification by the National~~  
17          ~~Board for Professional Teaching Standards~~ national teacher certificate or master  
18          educator license.

19          \*-0399/1.8\* SECTION 1870. 115.42 (2) (a) 2. of the statutes is amended to read:

20          115.42 (2) (a) 2. The person maintains his or her license ~~as a teacher~~ issued by  
21          the state superintendent or remains employed in a private school located in this  
22          state.

23          \*-0399/1.9\* SECTION 1871. 115.42 (2) (a) 4. of the statutes is amended to read:

1           115.42 (2) (a) 4. The person remains employed as a teacher in this state in a  
2           position that requires a license issued by the state superintendent or that would  
3           require a license if the position were in a public school.

4           \***-0399/1.10**\* SECTION 1872. 115.42 (3) of the statutes is amended to read:

5           115.42 (3) The department may not require, as a condition for renewing a  
6           person's teaching license, that the person have earned continuing professional  
7           education credits or their equivalent in the 5 years immediately preceding his or her  
8           application for license renewal if he or she has been initially certified by the National  
9           Board for Professional Teaching Standards during those 5 years.

10          \***-0399/1.11**\* SECTION 1873. 115.42 (4) (c) of the statutes is amended to read:

11          115.42 (4) (c) The number of times that a teacher person may be exempt from  
12          continuing professional education requirements under sub. (3).

13          \***-0425/4.2**\* SECTION 1874. 115.445 of the statutes is created to read:

14          **115.445 Four-year-old kindergarten grants.** (1) A school board may  
15          apply to the department for up to 2 annual grants under this section to implement  
16          a 4-year-old kindergarten program.

17          (2) (a) For the initial grant awarded under this section, the department shall  
18          pay the school board up to \$3,000 for each 4-year-old kindergarten pupil enrolled  
19          in the school district. For the second grant awarded under this section, the  
20          department shall pay the school board up to \$1,500 for each 4-year-old kindergarten  
21          pupil enrolled in the school district.

22          (b) The department shall pay grants under this section from the appropriation  
23          under s. 20.255 (2) (dp) and shall give preference in awarding grants to school boards  
24          that use community approaches to early education, as defined by the department by

1 rule. If the funds in this appropriation are insufficient to pay all eligible school  
2 boards, the department shall prorate the payments.

3 (3) The department shall promulgate rules to implement this section.

4 \*-0370/1.5\* **SECTION 1875.** 115.49 of the statutes is created to read:

5 **115.49 Pupil diversity grants .** (1) A person may apply to the department  
6 under this section for an annual grant to do any of the following:

7 1. Impart to pupils an appreciation and understanding of different value  
8 systems and cultures.

9 2. Promote pupils' understanding of human relations, particularly with regard  
10 to American Indians.

11 3. Assist pupils, schools, and communities in appreciating racial and cultural  
12 diversity.

13 (2) (a) The department shall award grants under this section from the  
14 appropriation under s. 20.255 (2) (kj). No grant may exceed \$30,000.

15 (b) The department shall promulgate rules to implement this section.

16 \*-1648/2.18\* **SECTION 1876.** 115.751 of the statutes is created to read:

17 **115.751 Aid to alternative schools.** (1) (a) Subject to the requirements of  
18 par. (b), each alternative school operating an American Indian language and culture  
19 education program under this subchapter shall receive state aid, from the  
20 appropriation under s. 20.255 (2) (km), in an amount equal to \$200 for each pupil who  
21 has completed the fall semester in the program.

22 (b) No alternative school may receive state aid under this section unless the  
23 state superintendent:

1           1. Determines that the alternative school has adequate management and  
2           accounting capacity and that the school agrees that its accounts related to the  
3           program may be audited.

4           2. Certifies that the alternative school has met the requirements of ss. 115.73  
5           and 115.735 and has submitted a report to the state superintendent which includes  
6           a description of all expenditures made in the prior year in connection with the  
7           program, a budget for the current year for the program, and the number of pupils who  
8           have completed the fall semester in the program.

9           (2) State aid under this section shall be paid in April of each year. In no case  
10          may such aid supplant federal aid received by the alternative school and utilized for  
11          American Indian language and culture education programs in the prior year.

12          (3) If the appropriation under s. 20.255 (2) (km) in any year is insufficient to  
13          pay the full amount of aid under this section, state aid payments shall be prorated  
14          among the alternative schools entitled to such aid.

15          \***-0395/2.1\* SECTION 1877.** 115.88 (1) of the statutes is amended to read:

16          115.88 (1) PERSONNEL. A school board, board of control of a cooperative  
17          educational service agency or, upon authorization of the county board, a county  
18          children with disabilities education board may employ, for a special education  
19          program, either full- or part-time licensed teachers, licensed coordinators of special  
20          education, licensed school social workers, licensed school psychologists, licensed  
21          school counselors, paraprofessionals, licensed consulting teachers to work with any  
22          teacher of regular education programs who has a child with a disability in a class and  
23          any other personnel approved by the department. The board may contract with  
24          private or public agencies for physical or occupational therapy services on the basis  
25          of demonstrated need.

1           \***-0395/2.2\*** **SECTION 1878.** 115.88 (1m) (am) of the statutes is amended to read:

2           115.88 **(1m)** (am) If the operator of a charter school established under s. 118.40  
3 (2r) operates a special education program and the state superintendent is satisfied  
4 that the operator of the charter school is complying with 20 USC 1400 to 1491o, the  
5 state superintendent shall certify to the department of administration in favor of the  
6 operator of the charter school a sum equal to the amount that the operator of the  
7 charter school expended during the previous school year for salaries of full-time or  
8 part-time licensed teachers, licensed coordinators of special education, licensed  
9 school social workers, licensed school psychologists, licensed school counselors,  
10 paraprofessionals, licensed consulting teachers to work with any teacher of regular  
11 education programs who has a child with a disability in a class and any other  
12 personnel, as determined by the state superintendent. Certified costs under this  
13 paragraph are eligible for reimbursement from the appropriation under s. 20.255 (2)  
14 (b). The state superintendent may audit costs under this paragraph and adjust  
15 reimbursement to cover only actual, eligible costs.

16           \***-0423/3.2\*** **SECTION 1879.** 115.881 of the statutes is created to read:

17           **115.881 Additional special education aid.** (1) A school board, board of  
18 control of a cooperative educational service agency, county children with disabilities  
19 education board, or operator of a charter school established under s. 118.40 (2r) may  
20 apply to the department for aid under this section if the applicant incurred, in the  
21 previous school year, more than \$30,000 of nonadministrative costs for providing  
22 special education and related services to a child and those costs were not eligible for  
23 reimbursement under s. 115.88, 115.93, or 118.255, 20 USC 1400 et seq., or federal  
24 medicaid.

(2) For each child whose costs exceeded \$30,000 under sub. (1), the department shall, from the appropriation under s. 20.255 (2) (bd), pay an eligible applicant in the current school year an amount equal to 0.90 multiplied by that portion of the cost under sub. (1) that exceeded \$30,000.

(3) If the appropriation under s. 20.255 (2) (bd) is insufficient to pay the full amount of costs under sub. (2), the department shall prorate payments among eligible applicants.

**\*-0747/1.5\* SECTION 1880.** 115.882 of the statutes is amended to read:

**115.882 Payment of state aid.** Funds appropriated under s. 20.255 (2) (b) shall be used first for the purpose of s. 115.88 (4). Costs eligible for reimbursement from the appropriation under s. 20.255 (2) (b) under ss. 115.88 (1m) to (3), (6) and (8), 115.93, and 118.255 (4) shall be reimbursed at a rate set to distribute the full amount appropriated for reimbursement for the costs, ~~less the amount paid by the department of health and family services under s. 20.435 (4) (b) and (c) under s. 49.45 (39) (b) 1m,~~ not to exceed 100%.

**\*-1742/3.4\* SECTION 1881.** 118.153 (4) (b) of the statutes is amended to read:

118.153 (4) (b) Upon receipt of a school board's annual report under par. (a) the state superintendent shall pay to the school district from the appropriation under s. 20.255 (2) (bc), for each pupil enrolled in a program for children at risk who achieved at least 3 of the objectives under par. (c) in the previous school year, additional state aid in an amount equal to 10% of the school district's average per pupil aids provided under s. 20.835 (7) (a), 1991 stats., and s. 20.255 (2) (ac) ~~and, (af), and (r)~~ in the previous school year.

**\*-0352/4.13\* SECTION 1882.** 118.245 of the statutes is repealed.

**\*-0343/3.2\* SECTION 1883.** 118.35 (4) of the statutes is created to read:



1           118.35 (4) From the appropriation under s. 20.255 (2) (fy), the department shall  
2           award grants to cooperative educational service agencies and the school district  
3           operating under ch. 119 for the purpose of providing advanced curriculum and  
4           assessments for gifted and talented middle school pupils.

5           **\*-0420/2.1\* SECTION 1884.** 118.43 (2) (bw) of the statutes is created to read:

6           118.43 (2) (bw) In the 2006–07 school year, the school board of an eligible school  
7           district may enter into a 5–year achievement guarantee contract with the  
8           department on behalf of one or more schools in the school district if all of the following  
9           apply:

10          1. The school board is not receiving a grant under the preschool to grade 5  
11          program on behalf of any of the schools under s. 115.45.

12          2. The school board, if eligible to participate in the program under this section  
13          in the 1996–97 and 1998–99 school years, had participated in the program during  
14          either school year.

15          3. None of the schools is a beneficiary of a contract under this section.

16           **\*-0420/2.2\* SECTION 1885.** 118.43 (2) (e) 1. of the statutes is amended to read:

17           118.43 (2) (e) 1. If the school board of an eligible school district does not enter  
18           into an achievement guarantee contract with the department, a school board that  
19           has entered into such a contract, other than the school board of the school district  
20           operating under ch. 119, may apply to the department to enter into such a contract  
21           on behalf of one or more schools that meet the requirements under par. (b), (bg) or,  
22           (br), or (bw).

23           **\*-0420/2.3\* SECTION 1886.** 118.43 (2) (g) of the statutes is amended to read:

24           118.43 (2) (g) The department may renew an achievement guarantee contract  
25           under pars. (b), (bg), and (br), and (bw) for one or more terms of 5 school years. As

1 a condition of receiving payments under a renewal of an achievement guarantee  
2 contract, a school board shall maintain the reduction of class size achieved during  
3 the last school year of the original achievement guarantee contract for the grades  
4 specified for the last school year of the contract.

5 \*-0420/2.4\* SECTION 1887. 118.43 (3) (intro.) of the statutes is amended to  
6 read:

7 118.43 (3) CONTRACT REQUIREMENTS. (intro.) Except as provided in pars. (am)  
8 and, (ar), and (aw), an achievement guarantee contract shall require the school board  
9 to do all of the following in each participating school:

10 \*-0420/2.5\* SECTION 1888. 118.43 (3) (aw) of the statutes is created to read:  
11 118.43 (3) (aw) *Class size; additional contracts.* For contracts that begin in the  
12 2006–07 school year, reduce each class size to 15 in the following manner:

- 13 1. In the 2006–07 school year, in at least grades kindergarten and one.  
14 2. In the 2007–08 school year, in at least grades kindergarten to 2.  
15 3. In the 2008–09 to 2009–10 school years, in at least grades kindergarten to  
16 3.

17 \*-0422/1.2\* SECTION 1889. 118.43 (6) (a) of the statutes is amended to read:  
18 118.43 (6) (a) In this subsection, “amount appropriated” means the amount  
19 appropriated under s. 20.255 (2) (cu) in any fiscal year less \$250,000, ~~plus the amount~~  
20 ~~appropriated under s. 20.255 (2) (cv).~~

21 \*-0422/1.3\* SECTION 1890. 118.43 (6) (b) (intro.) of the statutes is amended to  
22 read:

23 118.43 (6) (b) (intro.) From the ~~appropriations~~ appropriation under s. 20.255  
24 (2) (cu) ~~and (cv)~~, subject to par. (c), the department shall pay to each school district